UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,773	11/15/2001	Gregory R. Lloyd	TSQ-001	4625

959   7590   06/14/2006

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/003,773	LLOYD ET AL.
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

CHARLES RONES
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Remarks

1.   The amendment filed on 16-March-2006 has been received and entered. Claims 1-34 are pending.

2   Applicant's amendment has overcome the previous 112, second paragraph rejection.

Claim Objections

3.   Claims 17-20, 22-23, and 32-33 are improper dependent claims since they objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Since independent claims1, and 27 recite the conditional "or", which in the case where there's a match to "selected entry", the use of "label" is omitted and vice versa, claims 17-20, 22-23, and 32-33 constitute improper dependent claims since they never have to actually take place. "A claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitaion for the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers" (See 35 U.S.C. 112, fourth paragraph).

4. Claims 1-34 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the

drawings and used in conjunction with the recitation of the same element or group of elements in

the claims should be enclosed within parentheses so as to avoid confusion with other numbers or

characters which may appear in the claims. See MPEP § 608.01(m). Appropriate corrections are

required.

Once placed in parentheses, all remaining use of the recitation should also be consistent

and placed in parentheses.

5.   Claims 4, 5, and 8 have a grammatical error since "a" cannot proceed the plurality form

of a noun. It should be either the singular form of the word or the addition of the word "plurality"

of segments or results after the "a".

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

7.   Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

Claim 27 is not statutory because they merely recite a number of computing steps without

producing any tangible result and/or being limited to a practical application. The use of a

computer has not been indicated in order to process or execute the instructions. The claim does

not indicate use of hardware on which the software runs to perform the steps recited in the body

of the claim. Software or program can be stored on a medium but need to be executed/run on/by

a computer or processor to perform the method of claim 27 (i.e. claim should be amended to

recite "computer-executable instruction when executed on a computer perform a method

comprising").

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claims 1, 24, 27, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Independent claims 1, 27, and 31, all recite the optional use "or" which makes it optional

to use either the "selected entry" or the "label" as recitation for the remaining claimed recitation.

Thus, if one is selected as the option, the other never having to take place and therefore not carry

any patentable weight. Any later recitations of "selected entry" or "label" do not actually have to

take place thus cannot be given patentable weight and further causing lack of antecedent basis in

the dependent claims (i.e. claims 2-24, 28-29, & 32-33).

Claim 1, line 5, recite "its" which is indefinite for failing to point out what is exactly

being referenced by it. Correction is required.

Claim 24, introduced the recitation of "an entry ID" although previously introduced and

recited in claim 1 of which claim 24 dependents. Is this a new instant of the entry or is the same

original entry being referenced thus lacks antecedent basis. Correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-8, and 14-34 are rejected under 35 U.S.C. 102(b) as being anticipated by

Rivette et al. (U.S. Patent No. 5,806,079).

As to claim 1, Rivette et al. discloses in an electronic device, a method, comprising the

steps of:

providing a plurality of entries containing data (See Figure 3B);

assigning an entry identification number ("entry ID") to each of said entries (See column

25, lines 19-65, wherein "entry ID" reads on "identifier"),

each said entry ID being a unique value (See column 25, lines 19-65, wherein "entry ID"

reads on "identifier");

storing each entry indexed by its entry ID (See column 25, lines 19-65, wherein "entry

ID" reads on "identifier");

altering the data contained in a selected one of the plurality of entries and a label

associated with a selected one of the plurality of entries to create a new entry, said new entry

having an entry ID assigned (See Figure 3B, Figure 7B, also see column 29, lines 24-46);

cross-indexing said new entry with said selected entry (See column 30, lines 42-65);

updating a meta structure associated with said selected entry to reflect relationship

changes caused by said new entry, said updating including a time said selected entry was altered

(See column 30, lines 22-36); and

displaying said new entry in response to requests for said selected entry (See column 29,

lines 24-46).

As to claim 2, Rivette et al. discloses comprising the further steps of:

parsing the data contained in said selected entry into segments (See column 7, lines 45-

65);

assigning an item ID having a unique value to each of said segments (See column 25,

lines 19-65, wherein "entry ID" reads on "identifier"); and

updating the meta structure of said selected entry to include a reference to said item IDs

assigned to each of said segments (See column 30, lines 22-36).

As to claim 3, Rivette et al. discloses comprising the further step of:

appending the parsed data from said selected entry to a journal, said journal being a data

structure located in permanent memory (See column 9, lines 3-16).

As to claim 4, <u>Rivette et al.</u> discloses comprising the further step of:

parsing said selected entry into segments;

attaching a label to at least one of said segments, wherein said label is cross indexed with said segment, said selected entry and with a data structure referencing at least one other entry containing a segments with said label (See column 7, lines 41-52, wherein "label" reads on "note").

As to claim 5, <u>Rivette et al.</u> discloses comprising the further steps of:

searching said plurality of entries based on said label (See column 25, lines 1-9); and

displaying a results of said search on a web page, the results indicating entries from said plurality of entries that contain said label (See column 29, lines 24-46).

As to claim 6, <u>Rivette et al.</u> discloses comprising the further step of:

attaching a user-provided label to a user-defined part of said selected entry, said label being cross-indexed with said user-defined part, said selected entry and with a data structure referencing other entries containing said label (See column 7, lines 41-52, wherein "label" reads on "note").

As to claim 7, <u>Rivette et al.</u> discloses comprising the further step of:

displaying a web page containing only said user-defined part of said selected entry (See column 36, lines 39-54).

As to claim 8, <u>Rivette et al.</u> discloses searching said plurality of entries based on said label (See column 21, lines 15-36, also see column 27, lines 48-56); and

displaying a results of said search on a web page, wherein said web page indicates all of the entries from said plurality of entries that contain said label (See column 21, lines 15-36, also see column 27, lines 48-56).

As to claim 14, <u>Rivette et al.</u> discloses further:

providing a permanent memory location (See column 31, lines 4-34)

parsing the data contained within said selected entry (See column 7, lines 45-65); and

storing the parsed data in a permanent memory location (See column 31, lines 4-34).

As to claim 15, <u>Rivette et al.</u> discloses comprising the further steps of:

storing a reference to at least **one of**, another entry, an update to said selected entry, and a labeling of said selected entry, in a meta structure stored in a data structure in said permanent memory location (See column 31, lines 4-34).

As to claim 16, <u>Rivette et al.</u> discloses wherein said meta structure includes a grammar object, said grammar object expressing a ternary relationship among said data (See column 9, lines 9-16).

As to claim 17, <u>Rivette et al.</u> discloses wherein said selected entry is an email message (See column 12, lines 65-67).

As to claim 18, <u>Rivette et al.</u> discloses wherein said selected entry is an attachment to an email message (See column 32, lines 10-32).

As to claim 19, <u>Rivette et al.</u> discloses wherein said selected entry is a web page (See column 32, lines 10-32).

As to claim 20, <u>Rivette et al.</u> discloses wherein said selected entry is user-input text (See column 11, lines 12-21, wherein "entry" reads on "object").

As to claim 21, <u>Rivette et al.</u> discloses wherein said electronic device is interfaced with a network (See column 24, lines 37-44).

As to claim 22, <u>Rivette et al.</u> discloses wherein said data contained in said selected entry is audio data (See column 11, lines 12-21, wherein "entry" reads on "object").

As to claim 23, <u>Rivette et al.</u> discloses wherein said data contained in said selected entry is video data (See column 11, lines 12-21, wherein "entry" reads on "object").

As to claim 24, <u>Rivette et al.</u> discloses wherein said entry is a complete document that is not segmented prior to the assignment of an entry ID (See column 12, lines 65-67).

As to claim 25, <u>Rivette et al.</u> discloses in a network, a method comprising the steps of:

storing a selected entry (See column 16, lines 7-19);

updating said selected entry to create a new entry (See column 14, lines 35-50);

updating a metastructure associated with said selected entry to reflect relationship

changes caused by said new entry, said updating including a time said selected entry was altered

(See column 30, lines 22-36);

cross-indexing said selected entry to said new entry, the new entry indicating the time of

the updating (See column 14, lines 35-50, also see column 21, lines 29-36, wherein "label" reads

on "notes"); and

displaying said new entry automatically via a document publishing system when said

selected entry is selected by a user, said displayed new entry containing references back to said

selected entry (See column 11, lines 43-65).

As to claim 26, <u>Rivette et al.</u> discloses comprising the further steps of:

dividing said selected entries into user defined segments (See column 25, lines 19-65,

wherein "entry ID" reads on "identifier");

attaching a label to at least one of said segments (See column 7, lines 41-52, wherein

"label" reads on "note"), said label cross-indexed with said segment, said selected entry and an

index holding references to entries containing said label (See column 7, lines 41-52, wherein

"label" reads on "note").

As to claim 27, <u>Rivette et al.</u> discloses in an electronic device, a medium holding

computer-executable instructions for a method, said method, comprising the steps of:

providing a plurality of entries containing data (See column 16, lines 7-19);

assigning an entry identification number ("entry ID") to each of said entries, said entry

ID being a unique value See column 25, lines 19-65, wherein "entry ID" reads on "identifier");

storing each entry indexed by its entry ID (See column 25, lines 19-65, wherein "entry

ID" reads on "identifier");

altering data in a selected one of said plurality of entries or a label associated with a

selected one of the plurality of entries to create a new entry, said new entry having an entry ID

assigned, the new entry cross-indexed with said selected entry (See column 29, lines 13-37, also

see column 30, lines 22-27);

updating a meta structure associated with said selected entry to indicate a time said

selected entry was altered (See column 14, lines 35-50, also see column 21, lines 29-36, wherein

"label" reads on "notes", also see column 25, lines 42-65, wherein "meta" reads on "descriptor");

and

displaying said new entry in response to requests for said selected entry (See column 21,

lines 55-61).

As to claim 28, <u>Rivette et al.</u> discloses wherein said method comprises the further steps

of:

parsing said selected entry into segments (See column 25, lines 19-65, wherein "entry

ID" reads on "identifier");

assigning an item ID having a unique value to each of said segments See column 25, lines 19-65, wherein "entry ID" reads on "identifier"); and

updating the meta structure of said selected entry to include a reference to said item ID (See column 25, lines 19-65, wherein "entry ID" reads on "identifier").

As to claim 29, Rivette et al. discloses wherein said method comprises the further step of:

attaching a label to at least one of said segments (See column 3, lines 30-31, wherein "label" reads on "note"), said label cross-indexed with said segment, said selected entry and with a table of other entries containing segments with said label (See column 21, lines 38-47).

As to claim 30, Rivette et al. discloses in an electronic device, a method comprising the steps of:

providing a plurality of entries containing data, said data including labels referencing segments of said data (See column 25, lines 19-65, wherein "entry ID" reads on "identifier");

cross-referencing a selected one of said plurality of entries with at least one different version of said selected entry (See column 29, lines 13-37);

storing in a data structure associated with said selected entry a time said labels became associated with said selected entry (See column 21, lines 29-36, wherein "label" reads on "notes");

storing in said data structure associated with said selected entry the time said at least one different version became associated with said selected entry (See column 21, lines 29-36, wherein "label" reads on "notes");

selecting a time slice to apply to a selected entry, said time slice corresponding to

a period of time (See column 21, lines 29-36, wherein "label" reads on "notes");

selecting a perspective to apply to said selected entry, said perspective being a

date reference controlling which labels to display with said entry (See column 30, lines 22-50);

and

displaying said selected entry constrained by said time slice and said perspective (See

column 21, lines 29-36, wherein "label" reads on "notes").

As to claim 31, <u>Rivette et al.</u> discloses in an electronic device, a method, comprising the

steps of:

providing a plurality of entries containing data, said data including labels cross-indexed

with segments of said data (See column 25, lines 19-65, wherein "entry ID" reads on

"identifier"), each said entry having an associated metastructure that is updated to reflect a time

of an alteration of an associated entry or a label associated with the entry (See column 30, lines

22-36);

searching said plurality of entries based on said label (See column 25, lines 1-9); and

displaying the results of said search in a document referencing other entries from said

plurality of entries that contain said label (See column 29, lines 24-46), each of the entries

indicating a time the label became affixed to the entry (See column 21, lines 29-36, wherein

"label" reads on "notes").

As to claim 32, <u>Rivette et al.</u> discloses wherein the altering of the label is a removal of the label (See column 9, lines 3-16).

As to claim 33, <u>Rivette et al.</u> discloses wherein the altering of a label is a addition of a label (See column 9, lines 3-16).

As to claim 34, <u>Rivette et al.</u> discloses comprising the further steps of:

removing a label associated with one of the plurality of entries (See column 9, lines 3-16); and

adding a label associated with said one of the plurality of entries (See column 9, lines 3-16).

Allowable Subject Matter

12.   Claims 9-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

13.   Applicant's arguments filed on March 16, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument in various pages with regards to independent claims 1, 25, 27, and 31 that "Rivette et al. does not teach "updating the metastructure associated with said selected entry to indicate a time said selected entry or label was altered"" is acknowledged but not deemed to be persuasive.

Independent claim 30 does not have this limitaion.

The Examiner points to various locations of Rivette et al. wherein the metastructure is clearly updated to reflect any additions or updates related to the notes (i.e. selected entry) being chosen for editing or accessing. More specifically Rivette et al. Figure 22, flow chart, shows selection of the entry (link selected portion 2216) which can be edited and saved also column 17, lines 58-65, and column 12, lines 9-13, shows modified note view and associated time/date of modification.

Furthermore, metastructure of labels or any other entries is broadly interpreted to read on "database of attributes" which is modifiable with time and any update to the entries or labels is updating the linking which is reflecting the relationship (contextual) of all the stored items (i.e. entries, or labels) (See Rivette et al. Figures 33-34, wherein the links and relationships are clearly shown). There's nothing in the claim language to the contrary.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

15.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See PTO-Form 892 for list of cited reference.

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
June 12, 2006

CHARLES RONES
SUPERVISORY PATENT EXAMINER